

## REMARKS/ARGUMENTS

Claims 1 and 13 have been amended. Accordingly, it is respectfully submitted that the rejection of claims 1-24 under 35 U.S.C. §112, ¶2 is overcome.

Claims 1-30 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,018,359 (Kermode) in view of Carter. Applicant respectfully traverses the rejection.

With regard to claim 1, nowhere does Kermode teach or suggest determining a time difference between a first program being transmitted to a first receiver and a second program transmitted to a second receiver. That is, in Kermode there is no determination of a time difference between two transmissions (i.e., programs). Instead, the cited material at col. 6, lns. 14-36 of Kermode discloses a receiver that downloads segments synchronously or asynchronously. In either case, the transmitter transmits the same segments over and over. The receiver then downloads the segments, either synchronously or asynchronously. There is no teaching or suggestion in Kermode that a time difference is determined between a first program transmitted to a first receiver and a second program transmitted to a second receiver. Accordingly, Kermode further does not teach or suggest reducing a time difference between the programs. In this regard, Kermode merely discloses that an access latency between program segments is minimized. Kermode, col. 4, lns. 20-45. However, there is no disclosure of minimizing a time difference between first and second programs transmitted to first and second receivers.

Instead, the Office Action cites Carter, contending that “Carter discloses a segment broadcasting system can significantly reduce client latencies over staggered broadcasting system”. Office Action, p. 3. However, this portion of Carter merely teaches the same thing that Kermode does, namely repeatedly transmitting different segments of a program on different channels. Nowhere does Carter teach or suggest determining a time difference between first and second programs transmitted to first and second receivers. Thus neither reference teaches or suggests the further claimed element of reducing a time difference between programs if the time difference is below a threshold. For at least these reasons, claim 1 and claims 2-12 depending therefrom are patentable over the proposed combination. For at least similar reasons, claims 13-30 are similarly patentable.

New claims 31-34 are patentable, at least for the same reasons as the independent claims from which they depend.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,



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